OIPE JC10
APR 11 2005
PATENT & TRADEMARK OFFICE

1645

DOCKET NO.: C1039.70020US00

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	Krieg et al.
Serial No.:	09/337,584
Confirmation No.:	9169
Filed:	June 21, 1999
For:	IMMUNOSTIMULATORY NUCLEIC ACID MOLECULES
Examiner:	Nita M. Minnifield
Art Unit:	1645

CERTIFICATE OF MAILING UNDER 37 C.F.R. §1.8(a)

The undersigned hereby certifies that this document is being placed in the United States mail with first-class postage attached, addressed to MAIL STOP AMENDMENT, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the 8th day of April, 2005.

Kristin J. Ketelhut

MAIL STOP AMENDMENT
Commissioner For Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Transmitted herewith are the following documents:

- Information Disclosure Statement
- PTO Form 1449 with cited references
- Return Receipt Postcard

If the enclosed papers are considered incomplete, the Mail Room and/or the Application Branch is respectfully requested to contact the undersigned at (617) 646-8000, Boston, Massachusetts.

A check in the amount of $180 is enclosed to cover the filing fee. If the fee is insufficient, the balance may be charged to Deposit Account 23/2825. A duplicate of this sheet is enclosed.

Respectfully submitted,
Krieg et al., Applicant

By: _____

Helen C. Lockhart, Ph.D., Reg. No.: 39,248
Wolf, Greenfield & Sacks, P.C.
600 Atlantic Avenue
Boston, Massachusetts 02210-2206
Telephone: (617) 646-8000

Docket No.: C1039.70020US00
Date: April 8, 2005
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MAIL STOP AMENDMENT
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STATEMENT FILED PURSUANT TO THE DUTY OF DISCLOSURE UNDER 37 CFR §§1.56, 1.97 AND 1.98

Sir:

Pursuant to the duty of disclosure under 37 C.F.R. §§1.56, 1.97 and 1.98, the Applicant requests consideration of this Information Disclosure Statement.

PART I: Compliance with 37 C.F.R. §1.97

This Information Disclosure Statement has been filed more than three months after the filing date of this application and after the mailing date of the first Office Action, but before the mailing date of either a final action under 37 C.F.R. §1.113 or a Notice of Allowance under 37 C.F.R. §1.311, or an action that otherwise closes prosecution in this application.

The fee of $180 as set forth in 37 C.F.R. §1.17(p) is enclosed.

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PART II: Information Cited

The Applicant hereby makes of record in the above-identified application the information listed on the attached form PTO-1449 (modified). The order of presentation of the references should not be construed as an indication of the importance of the references. The Applicant hereby makes the following additional information of record in the above-identified application.

The Applicant would like to bring to the Examiner's attention the following co-pending applications that may contain subject matter related to this application:

Docket No.	Serial No.	Filing Date	Inventor(s)
***C1037.70053US01**	**11/061,140**	**February 18, 2005**	**Lipford et al.**
***C1037.70054US01**	**10/973,927**	**October 25, 2004**	**Lipford et al.**
***C1039.70044US01**	**11/056,463**	**February 11, 2005**	**Hartmann et al.**
***C1039.70048US12**	**10/956,745**	**October 1, 2004**	**Krieg et al.**
***C1039.70048US13**	**10/956,494**	**October 1, 2004**	**Krieg et al.**
***C1039.70048US14**	**10/972,301**	**October 22, 2004**	**Krieg et al.**
***C1039.70048US15**	**10/987,146**	**November 12, 2004**	**Krieg et al.**
***C1039.70048US16**	**11/031,460**	**January 7, 2005**	**Krieg et al.**
***C1039.70048US17**	**11/036,527**	**January 14, 2005**	**Krieg et al.**
***C1039.70048US18**	**11/067,587**	**February 25, 2005**	**Krieg et al.**
***C1039.70077US01**	**11/071,836**	**March 3, 2005**	**Krieg**
***C1039.70083US11**	**11/067,516**	**February 25, 2005**	**Krieg et al.**
***C1041.70016US02**	**11/084,777**	**March 18, 2005**	**Bauer et al.**
***C1041.70034US01**	**10/978,283**	**October 29, 2004**	**Uhlmann et al.**
***C1041.70041US01**	**10/982,193**	**November 5, 2004**	**Bauer et al.**
***C1041.70043US01**	**10/977,560**	**October 29, 2004**	**Jurk et al.**

*a copy of this reference is not provided as the Office hereby waives the requirement under 37 CFR 1.98(a)(2)(iii) for submitting a copy of each cited U.S. patent application filed after June 30, 2003 and for applications filed before June 30, 2003, or that entered the national stage before June 30, 2003, if they are scanned to Image File Wrapper system and are available on Private PAIR.

PART III: Remarks

Documents cited anywhere in the Information Disclosure Statement are enclosed unless otherwise indicated. It is respectfully requested that:

1. The Examiner consider completely the cited information, along with any other information, in reaching a determination concerning the patentability of the present claims;

2. The enclosed form PTO-1449 be signed by the Examiner to evidence that the cited information has been fully considered by the Patent and Trademark Office during the examination of this application;

3. The citations for the information be printed on any patent which issues from this application.

By submitting this Information Disclosure Statement, the Applicant makes no representation that a search has been performed, of the extent of any search performed, or that more relevant information does not exist.

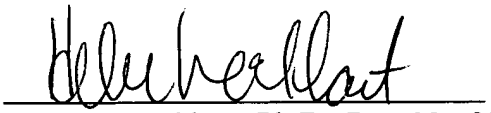
By submitting this Information Disclosure Statement, the Applicant makes no representation that the information cited in the Statement is, or is considered to be, material to patentability as defined in 37 C.F.R. §1.56(b).

By submitting this Information Disclosure Statement, the Applicant makes no representation that the information cited in the Statement is, or is considered to be, in fact, prior art as defined by 35 U.S.C. §102.

Notwithstanding any statements by the Applicant, the Examiner is urged to form his own conclusion regarding the relevance of the cited information.

An early and favorable action is hereby requested.

Respectfully submitted,
Krieg et al., Applicant

By: 

Helen C. Lockhart, Ph.D., Reg. No. 39,248
Wolf, Greenfield & Sacks, P.C.
600 Atlantic Avenue
Boston, Massachusetts 02210-2206
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FORM PTO-1449/A and B (Modified)	APPLICATION NO.: 09/337,584	ATTY. DOCKET NO.: C1039.70020US00
INFORMATION DISCLOSURE STATEMENT BY APPLICANT	FILING DATE: June 21, 1999	CONFIRMATION NO.: 9169
	APPLICANT: Krieg et al.	
Sheet 1 of 2	GROUP ART UNIT: 1645	EXAMINER: Nita M. Minnifield

OIPE
APR 11 2005
PATENT & TRADEMARK OFFICE

U.S. PATENT DOCUMENTS

Examiner's Initials	Cite No.	U.S. Patent Document Number	Kind Code	Name of Patentee or Applicant of Cited Document	Date of Publication or of issue of Cited Document MM-DD-YYYY
		2004-0229835	A1	Krieg et al.	11-18-2004
		2004-0234512	A1	Wagner et al.	11-25-2004
		2004-0235770	A1	Davis et al.	11-25-2004
		2004-0235774	A1	Bratzler et al.	11-25-2004
		2004-0235777	A1	Wagner et al.	11-25-2004
		2004-0235778	A1	Wagner et al.	11-25-2004
		2004-0266719	A1	McCluskie et al.	12-30-2004
		2005-0004061	A1	Krieg et al.	01-06-2005
		2005-0004062	A1	Krieg et al.	01-06-2005
		2005-0009774	A1	Krieg et al.	01-13-2005
		2005-0032734	A1	Davis et al.	02-10-2005
		2005-0032736	A1	Krieg et al.	02-10-2005
		2005-0037403	A1	Krieg et al.	02-17-2005
		2005-0037985	A1	Krieg et al.	02-17-2005
		2005-0042203	A1	Davis et al.	02-24-2005
		2005-0043529	A1	Davis et al.	02-24-2005
		2005-0049215	A1	Krieg et al.	03-03-2005
		2005-0049216	A1	Krieg et al.	03-03-2005
		2005-0054601	A1	Wagner et al.	03-10-2005
		2005-0054602	A1	Krieg et al.	03-10-2005
		2005-0059619	A1	Jurk et al.	03-17-2005
		2005-0059625	A1	Krieg et al.	03-17-2005

FOREIGN PATENT DOCUMENTS

Examiner's Initials	Cite No.	Foreign Patent Document Office/ Country	Number	Kind Code	Name of Patentee or Applicant of Cited Document (not necessary)	Date of Publication of Cited Document MM-DD-YYYY	Translation (Y/N)

OTHER ART — NON PATENT LITERATURE DOCUMENTS

Examiner's Initials	Cite No	Include name of the author (in CAPITAL LETTERS) title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, relevant page(s), volume-issue number(s), publisher, city and/or country where published.	Translation (Y/N)	
		BAUER et al., Human TLR9 confers responsiveness to bacterial DNA via species-specific CpG motif recognition. Proc Natl Acad Sci U S A. 2001 Jul 31;98(16):9237-42. Epub 2001 Jul 24.		
		COOPER et al., CPG 7909, an immunostimulatory TLR9 agonist oligodeoxynucleotide, as adjuvant to Engerix-B HBV vaccine in healthy adults: a double-blind phase I/II study. J Clin Immunol. 2004 Nov;24(6):693-701.		
		FRIEDBERG et al., Combination immunotherapy with a CpG oligonucleotide (1018 ISS) and rituximab in patients with non-Hodgkin lymphoma: increased interferon-alpha/beta-inducible gene expression, without significant toxicity. Blood. 2005 Jan 15;105(2):489-95. Epub 2004 Sep 9.		
		HEMMI et al., Toll-like receptor recognizes bacterial DNA. Nature. 2000 Dec 7;408(6813):740-5.		

FORM PTO-1449/A and B (Modified)	APPLICATION NO.: 09/337,584	ATTY. DOCKET NO.: C1039.70020US00
INFORMATION DISCLOSURE STATEMENT BY APPLICANT	FILING DATE: June 21, 1999	CONFIRMATION NO.: 9169
	APPLICANT: Krieg et al.	
Sheet 2 of 2	GROUP ART UNIT: 1645	EXAMINER: Nita M. Minnifield

Examiner's Initials	Cite No	Include name of the author (in CAPITAL LETTERS) title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, relevant page(s), volume-issue number(s), publisher, city and/or country where published.	Translation (Y/N)	
		HEMMI et al., The roles of Toll-like receptor 9, MyD88, and DNA-dependent protein kinase catalytic subunit in the effects of two distinct CpG DNAs on dendritic cell subsets. J Immunol. 2003 Mar 15;170(6):3059-64.		
		KRIEG et al., Induction of systemic TH1-like innate immunity in normal volunteers following subcutaneous but not intravenous administration of CPG 7909, a synthetic B-class CpG oligodeoxynucleotide TLR9 agonist. J Immunother. 2004 Nov-Dec;27(6):460-71.		
		LUKACS et al., Interleukin-4-dependent pulmonary eosinophil infiltration in a murine model of asthma. Am J Respir Cell Mol Biol. 1994 May;10(5):526-32.		
		LUKACS et al., C-C chemokine-induced eosinophil chemotaxis during allergic airway inflammation. J Leukoc Biol. 1996 Nov;60(5):573-8.		
		PADRID et al., CTLA4Ig inhibits airway eosinophilia and hyperresponsiveness by regulating the development of Th1/Th2 subsets in a murine model of asthma. Am J Respir Cell Mol Biol. 1998 Apr;18(4):453-62.		
		SIEGRIST et al., Co-administration of CpG oligonucleotides enhances the late affinity maturation process of human anti-hepatitis B vaccine response. Vaccine. 2004 Dec 16;23(5):615-22.		

EXAMINER:	DATE CONSIDERED:

#EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to Applicant.

*a copy of this reference is not provided as it was previously cited by or submitted to the office in a prior application, Serial No. __ , filed __ , and relied upon for an earlier filing date under 35 U.S.C. 120 (continuation, continuation-in-part, and divisional applications).

[NOTE - The Office hereby waives the requirement under 37 CFR 1.98 (a)(2)(i) for submitting a copy of each cited U.S. patent and each U.S. patent application publication for all U.S. national patent applications filed after June 30, 2003 and for all international applications that have entered the national stage under 35 USC 371 after June 30, 2003. See 37 CFR 1.491(b). For all patent applications filed on or before June 30, 2003, copies of cited U.S. patents and patent application publications are still required unless an eIDS is filed. Copies of all other patent(s), publication(s), or other information listed must still be provided, even if it was previously submitted to, or cited by, the U.S. Patent Office in an earlier application, unless the earlier application is identified by the IDS and is relied upon for an earlier filing date under 35 U.S.C. §120, and the copy was provided in the earlier application.]